

2016 Regular Session

HOUSE BILL NO. 165

BY REPRESENTATIVE PEARSON

SCHOOLS/EMPLOYEES: Provides relative to extended sick leave granted to teachers, school bus drivers, and other public school employees in certain instances

1 AN ACT

2 To amend and reenact R.S. 17:500.1, 1201(C) and (D), and 1206.1, relative to sick leave for
3 public school employees; to provide the same extended sick leave benefits to public
4 school teachers, school bus operators, and other school employees who are disabled
5 while assisting students under certain circumstances; to provide for the amount of
6 such sick leave granted; to provide for requirements, conditions, and limitations
7 relative to such sick leave; to remove provisions granting extended sick leave to such
8 persons if injured or disabled as a result of assault and battery; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:500.1, 1201(C) and (D), and 1206.1 are hereby amended and
12 reenacted to read as follows:

13 §500.1. School bus operators; sick leave

14 A.(1)(a) ~~Any~~ A school bus operator as defined in R.S. 17:500 who is ~~injured~~
15 ~~or incapacitated~~ disabled while acting in his official capacity as a result of physical
16 ~~assault and battery by any~~ contact with a student or person, while providing
17 assistance to a student to prevent danger or risk of injury to the student shall receive
18 sick leave for a period of up to one calendar year from the date of disability without
19 reduction in pay ~~while incapacitated as a result of such injury; provided, however,~~
20 ~~that when a~~ and without reduction in accrued sick leave days while disabled as a

1 result of rendering such assistance. Such school bus operator is absent for six or
2 more consecutive days as a result of such injury or incapacitation, he shall be
3 required to present a certificate from a physician certifying such injury or
4 incapacitation. disability. A city, parish, or other local public school board may
5 extend this period beyond one calendar year. If a school bus operator who is
6 receiving sick leave without reduction in pay as provided in this Section begins to
7 receive a benefit from the Teachers' Retirement System of Louisiana or the
8 Louisiana School Employees' Retirement System, the leave shall cease.

9 (b) If the school board questions the validity or accuracy of the physician
10 certification required pursuant to Subparagraph (a) of this Paragraph, the board may
11 require the school bus operator to be examined by a physician selected by the board.
12 In such a case, the board shall pay all costs of the examination and any tests
13 determined to be necessary. If the physician selected by the board certifies
14 disability, the leave shall be granted. If the physician selected by the board disagrees
15 with the certification of the physician selected by the school bus operator, the board
16 may require the school bus operator to be examined by a third physician whose name
17 appears next in the rotation of physicians on a list established by the local medical
18 society for such purpose and maintained by the board. All costs of an examination
19 and any tests required by a third physician shall be paid by the board. The opinion
20 of the third physician shall be determinative of the issue.

21 (c) The opinion of each physician consulted as provided in this Paragraph
22 shall be submitted to the school board in the form of a sworn statement, which shall
23 be subject to the provisions of R.S. 14:125.

24 (2) The sick leave authorized by this section Section shall be in addition to
25 all other sick leave authorized by R.S. 17:500, provided that additional Additional
26 sick leave for incapacity earned during the period of disability as a result of physical
27 assault and battery rendering such assistance shall not be accumulated from year to
28 year, nor shall such additional sick leave be compensated for at death or retirement;
29 or compensated for in any other manner except as authorized in this section. Section.

1 the teaching staff member certifying such ~~injury or~~ disability. Nothing in this
2 Subsection shall prohibit a city, parish, or other local public school board from
3 extending this period beyond one calendar year. If a member of the teaching staff
4 who is receiving sick leave without reduction in pay as provided in this Section
5 begins to receive a benefit from the Teachers' Retirement System of Louisiana, the
6 leave shall cease.

7 (ii) ~~(b)~~ If the school board questions the validity or accuracy of the physician
8 certification provided for in ~~Item (i) of this Subparagraph (a) of this Paragraph~~, the
9 board may require the teaching staff member to be examined by a physician selected
10 by the board. In such a case, the board shall pay all costs of the examination and any
11 tests determined to be necessary. If the physician selected by the board certifies the
12 ~~injury or~~ disability, the leave shall be granted. If the physician selected by the school
13 board disagrees with the ~~certificate~~ certification of the physician selected by the
14 teaching staff member, ~~then~~ the board may require the staff member to be examined
15 by a third physician whose name appears next in the rotation of physicians on a list
16 established by the local medical society for such purpose and maintained by the
17 board. All costs of an examination and any tests required by a third physician shall
18 be paid by the board. The opinion of the third physician shall be determinative of
19 the issue.

20 (iii) ~~(c)~~ The opinion of each physician consulted as provided in this
21 ~~Subparagraph~~ Paragraph shall be submitted to the board in the form of a sworn
22 statement, which shall be subject to the provisions of R.S. 14:125.

23 (2) The sick leave authorized by this Subsection shall be in addition to all
24 other sick leave authorized in this Section, ~~provided that additional~~ Additional sick
25 leave earned during the period of disability as a result of ~~such assault and battery~~
26 rendering such assistance shall not be accumulated from year to year, nor shall such
27 additional sick leave be compensated for at death or retirement or compensated for
28 in any other manner except as authorized in this Subsection. A member of the

1 teaching staff shall not receive any compensation or payment greater than the salary
2 to which he was entitled at the time the disability occurred.

3 D.(1) Any member of the teaching staff in the public schools who is ~~injured~~
4 ~~or~~ disabled while acting in his official capacity shall be entitled to weekly wage
5 benefits under the ~~workers' compensation law of the state of Louisiana and/or~~
6 Louisiana Workers' Compensation Law or to sick leave benefits under Subsection
7 A of this Section, or both, at his option, but ~~in no event shall~~ such benefits shall not
8 exceed the total amount of the regular salary the member of the teaching staff was
9 receiving at the time the ~~injury or~~ disability occurred.

10 (2) ~~In any case in which~~ If a member of the teaching staff ~~personally~~ elects
11 to supplement workers' compensation with accumulated sick leave, the amount of
12 sick leave used shall be calculated on an hourly basis.

13 * * *

14 §1206.1. School employees; sick leave

15 A.(1) ~~Any employee of the parish or city school boards of this state, as the~~
16 ~~word "employee" is defined in R.S. 17:1205, who is injured or disabled while acting~~
17 ~~in his official capacity as a result of assault or battery by any student or person, shall~~
18 ~~receive sick leave without reduction in pay and without reduction in accrued sick~~
19 ~~leave days while injured or disabled as a result of such assault or battery, however,~~
20 ~~when such employee is absent for six or more consecutive days as a result of such~~
21 ~~injury or disability, he shall be required to present a certificate from a physician~~
22 ~~certifying such injury or disability. If the employee of the parish or city school board~~
23 ~~who is receiving sick leave without reduction as described in this Section begins to~~
24 ~~draw his benefit from the Teachers' Retirement System of Louisiana or the Louisiana~~
25 ~~School Employees' Retirement System, the leave shall cease.~~

26 (2) ~~The sick leave authorized by this Section shall be in addition to all other~~
27 ~~sick leave authorized by R.S. 17:1206, provided that additional sick leave for injury~~
28 ~~or disability as a result of assault or battery shall not be accumulated from year to~~

1 year, nor shall such additional sick leave be compensated for at death or retirement,
2 or compensated for in any other manner except as authorized in this Section.

3 B. ~~Any(a)~~ An employee of the parish or city school boards of this state, as
4 the word "employee" is as defined in R.S. 17:1205; who is ~~injured~~ or disabled while
5 acting in his official capacity as a result of physical contact with a student while
6 providing ~~physical~~ assistance to a student to prevent danger or risk of injury to the
7 student, shall receive sick leave for a period up to ~~ninety days~~ one calendar year
8 without reduction in pay and without reduction in accrued sick leave days while
9 ~~injured~~ or disabled as a result of rendering such assistance. Such employee shall be
10 required to present a certificate from a physician certifying such ~~injury~~ or disability.
11 Nothing in this Section shall prohibit a city, ~~or~~ parish, or other local public school
12 board from extending this period beyond ~~ninety days~~ one calendar year. If an
13 employee who is receiving sick leave without reduction in pay as provided in this
14 Section begins to receive a benefit from the Teachers' Retirement System of
15 Louisiana or the Louisiana School Employees' Retirement System, the leave shall
16 cease.

17 (b) If the school board questions the validity or accuracy of the physician
18 certification provided for in Subparagraph (a) of this Paragraph, the board may
19 require the employee to be examined by a physician selected by the board. In such
20 a case, the board shall pay all costs of the examination and any tests determined to
21 be necessary. If the physician selected by the board certifies disability, the leave
22 shall be granted. If the physician selected by the school board disagrees with the
23 certification of the physician selected by the employee, the board may require the
24 employee to be examined by a third physician whose name appears next in the
25 rotation of physicians on a list established by the local medical society for such
26 purpose and maintained by the board. All costs of an examination and any tests
27 required by a third physician shall be paid by the board. The opinion of the third
28 physician shall be determinative of the issue.

1 (c) The opinion of each physician consulted as provided in this Paragraph
2 shall be submitted to the board in the form of a sworn statement, which shall be
3 subject to the provisions of R.S. 14:125.

4 (2) The sick leave authorized by this Subsection shall be in addition to all
5 other sick leave authorized in this Section. Additional sick leave earned during the
6 period of disability as a result of rendering such assistance shall not be accumulated
7 from year to year, nor shall such additional sick leave be compensated for at death
8 or retirement or compensated for in any other manner except as authorized in this
9 Subsection. An employee shall not receive any compensation or payment greater
10 than the salary to which he was entitled at the time the disability occurred.

11 B.(1) An employee as defined in R.S. 17:1205 who is disabled while acting
12 in his official capacity shall be entitled to wage benefits under the Louisiana
13 Workers' Compensation Law or to sick leave benefits under R.S. 17:1206, or both,
14 at his option, but such benefits shall not exceed the total amount of the regular salary
15 the employee was receiving at the time the disability occurred.

16 (2) If an employee elects to supplement workers' compensation with
17 accumulated sick leave, the amount of sick leave used shall be calculated on an
18 hourly basis.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 165 Original

2016 Regular Session

Pearson

Abstract: Provides relative to extended sick leave for teachers, school bus drivers, and other public school employees who are disabled while assisting students to prevent danger or injury to the student. Provides for amounts, requirements, conditions, and limitations for such sick leave.

Present law provides extended sick leave for school bus operators, members of the teaching staff of public schools, and other public school employees (each as defined in present law) as follows:

School Bus Operators

A school bus operator who is injured or incapacitated while acting in his official capacity as a result of *assault or battery* by any student or person shall receive sick leave without reduction in pay while incapacitated as a result of such assault or battery.

Teaching Staff

- (1) A member of the teaching staff who is injured or disabled while acting in his official capacity as a result of *assault or battery* by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave.
- (2) Further provides that if any member is injured or disabled while acting in his official capacity as a result of physical contact with a student while *assisting the student to prevent danger or injury* to the student, he shall receive sick leave for up to one calendar year without reduction in pay and without reduction in accrued sick leave.

School Employees

- (1) A school employee who is injured or disabled while acting in his official capacity as a result of *assault or battery* by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave.
- (2) Further provides that if an employee is injured or disabled while acting in his official capacity as a result of physical contact with a student while *assisting the student to prevent danger or injury* to the student he shall receive sick leave for up to 90 days without reduction in pay and without reduction in accrued sick leave.

Proposed law deletes present law provisions for extended sick leave for all three groups in cases of injury or disability as a result of assault or battery.

Proposed law retains present law providing for extended sick leave for one full year for teaching staff disabled while providing assistance to a student to prevent danger or injury to the student and provides the same benefit for school bus operators and other school employees.

Proposed law generally retains present law provisions relative to such leave for teaching staff and makes nearly identical provisions applicable to school bus operators and other school employees. Those provisions include: Allows local public school boards to extend the leave beyond one year. Provides requirements for certification from a physician regarding any such disability. Prohibits the accumulation of such additional sick leave from year to year and being compensated for it at death or retirement. Provides that if the person begins to receive a benefit from a state retirement system, such leave will cease. Entitles the person to weekly wage benefits under the workers' compensation law and present law sick leave benefits (accumulated) but prohibits such benefits from exceeding the total amount of the regular salary the member was receiving at the time the disability occurred. Provides that if a person supplements workers' compensation with accumulated sick leave, the amount of sick leave is calculated on an hourly basis.

Present law (R.S. 17:500, 1201(A), and 1206) allows a minimum of 10 days absence per school year for sick leave or other emergencies without loss of pay for school bus operators, teaching staff, and other school employees. Allows any unused leave to be accumulated from year to year and allows school boards to grant additional sick leave with or without loss of pay. Proposed law retains present law.

(Amends R.S. 17:500.1, 1201(C) and (D), and 1206.1)